

5

1 Douglas M. Whatley, Chapter 7 Trustee
2 P.O. Box 538
3 Folsom, CA 95763-0538
4 Tel: (916) 358-9345
5 E-mail: 2dougwhatley@gmail.com

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

MICHAEL PEXA and
MARY PEXA,

Debtor(s).

Case No. 14-31453

DCN: DMW - 5
Date: November 10, 2015
Time: 9:30 AM
Courtroom: 35
Dept: C

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

TRUSTEE'S MOTION TO SELL PERSONAL PROPERTY OF THE ESTATE
(11 U.S.C. §363)

The undersigned, Douglas M. Whatley, the court-appointed Trustee in the above-referenced case, hereby requests that this Court approve the sale of the Bankruptcy Estate's interest in an assortment of golf clubs, see attached list, pursuant to the provisions of section 363(b) of the Bankruptcy Code to Mike Spearin for \$2,200.00.

The Trustee respectfully represents the following:

1. Debtors filed for relief under Chapter 7 of Title 11, United States Bankruptcy Code, on November 21, 2014 and I, Douglas M. Whatley was appointed Trustee on that day.

2. The Debtors' Amended Schedule "B" filed on July 9, 2015, disclosed non-exempt personal property described as follows:

- Golf clubs, acquired over the years – valued at \$1,500.00

3. The Trustee wishes to sell the estate's interest in the golf clubs "as is" "where is" with no warranties or guarantees to Mike Spearin for \$2,200.00. A copy of the Purchase Sale Agreement is Exhibit "A". The Buyer has placed a \$400.00 deposit with the Trustee. The undersigned Trustee believes that the immediate liquidation of the non-exempt personal property as shown above is in the best interest of the Bankruptcy Estate. This proposed sale would alleviate the typical auctioneer's sales commissions, costs and expenses attendant to a public auction. Therefore, the Trustee requests

1 the approval from this Court to sell the aforementioned personal property to Mike Spearin for
2 \$2,200.00.

3 4. The Trustee request that the Court only approve overbids presented at the hearing that meet
4 the following criteria:

- 5 a) Overbids shall start at \$2,400.00. The overbids shall be in minimum \$100.00 increments.
6 b) The qualified bidder, the bidder must bring to Court (or if appearing by telephone, deliver
7 to the Trustee prior to the hearing) a Cashier's Check or certified check for \$600.00. This
8 Cashier's Check or certified check shall serve as a non-refundable deposit if the overbid
9 is successful.
10 c) The successful bidder must deliver to the Trustee a Cashier's Check or certified check
11 for the remainder within ten (10) days following Court approval.

12 5. The Trustee further seeks a waiver of the fourteen day waiting period imposed by Federal
13 Rule of Bankruptcy Procedure, Rule 6004(h).

14 WHEREFORE, the undersigned Trustee respectfully requests that this Court approve the
15 sale of the aforementioned personal property to the Mike Spearin for \$2,200.00 "as is" "where is" with no
16 warranties or guarantees. The Trustee further seeks a waiver of the fourteen day waiting period imposed
17 by Federal Rule of Bankruptcy Procedure, Rule 6004(h).

18 Dated: October 8, 2015

19 Respectfully submitted,

20 /s/ Douglas M. Whatley
21 Douglas M. Whatley, Chapter 7 Trustee
22
23
24
25
26

Scotty Cameron Terryllium 10 Newport 2 putter

Cleveland CG16 wedge 54 degree

Callaway Big Bertha 5 wood

Callaway Big Bertha 7 wood

Callaway 24 degree X Hybrid

Callaway Razr 4 Hybrid

Callaway Razr Hawk Driver

Callaway Razr X 5 Hybrid

Scotty Cameron Studio Newport 2 putter

Titelist 909D Driver

Titelist 909f 3 wood

Purespin 56 degree sand wedge

Callaway Razr 5 wood

Scotty Cameron Circa 62 number 2 putter

Scotty Cameron Studio Newport 2 putter

Scotty Cameron Studio 1.5 putter

Callaway TT putter

Scotty Cameron Detour putter

Scotty Cameron Detour Newport 2.5 putter

Odyessy white 2 ball putter

Taylor made Itsy Bitsy putter

Callaway Big Bertha Alpha driver

Ping SKS putter

Titelist SM5 56 degree wedge

Titelist SM5 50 degree wedge

Pexa Golf Clubs

Callaway Razr X irons PW thru 5 iron

Callaway X tour wedges 60 and 52 degree

Slotline putter

Pinseeker 60 degree wedge

Taylormade Rossa putter

Callaway Fusion 3 and 4 iron

Cleveland # iron

Assorted Cleveland wedges 8 total various ages and lofts

Taylormade wedge 60 degree

Titelist 907 Driver

Cobra 460SZ Driver

Taylormade 5 hybrid

Taylormade 4 Hybrid

Titelist 503 driving iron

Titelist 909H 21 degree hybrid

Titelist 909F2 5 wood

2 sets Taylormade R7 cgb irons PW thru 5

Solus 61 degree

Taylormade R7 cgb iron set 3 thru pw

Edel Putter

Scotty Cameron Kombi Belly Putter

Callaway Bobby Jones putter

Scotty Cameron Kombi standard putter

Callaway Bullet Chipper

Callaway Xhot hybrids (3) 4, 5 and 6 degree

Callaway optiforce driver

Cleveland wedges (3) 48, 52 and 56 degree

Callaway optiforce 3 and 5 woods